

Panaji, 3rd September, 1992 (Bhadra 12, 1914)

SERIES I No. 23

OFFICIAL



GAZETTE

GOVERNMENT OF GOA

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Department of Personnel

Notification

1/25/86-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the posts, the Governor of Goa hereby makes the following rules relating to recruitment to the Group 'C', Non-Ministerial, Non-Gazetted posts in the Office of Commissioner of Excise, Government of Goa, namely:—

1. *Short title, application and commencement:*—

(1) These rules may be called the Government of Goa, Office of the Commissioner of Excise, Group 'C', Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1992.

(2) *Application.*—These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. *Number, classification and scales of pay.*—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. *Disqualification.*—No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 21st August, 1992.

SCHEDULE

Name/designation of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer / contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Inspector of Excise	33 (1992) Sub-ject to varia-tion depen-dant on work-load	Group 'C' (Non-Gazetted, Non-Ministerial)	Rs. 1400-40-1800-EB-50-2300	Selection	Not exceeding 35 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	No	<i>Essential:—</i> Degree of a recognised University either in Science, Arts or Commerce. <i>Desirable:—</i> Knowledge of Konkani and/or Marathi	No	Two years	75% by promotion failing which by direct recruitment and 25% by direct recruitment	<i>Promotion:—</i> 33 1/3 % from amongst Sub-Inspectors and 66% % from amongst U. D. C's with 5 years regular service in the grade.	Group 'C' D.P.C.	N. A.

Social Welfare Department

Notification

6-4-87-SWD

Whereas the Goa, Daman and Diu Probation of Offenders Rules, 1974 were made in exercise of the powers conferred by section 17 of the Probation of Offenders Act, 1958;

And whereas the said rules were applicable to the erstwhile Union Territory of Goa, Daman and Diu;

And whereas on and from the 26th day of May, 1987 a new State to be known as State of Goa, and a new Union Territory to be known as the Union Territory of Daman and Diu were formed under the Goa, Daman and Diu Reorganisation Act, 1987 (18 of 1987);

And whereas it has become necessary to make rules in exercise of the powers conferred by section 17 of the Probation of Offenders Act, 1958, and in supersession of the Goa, Daman and Diu Probation of Offenders Rules, 1974 in so far as their application to the State of Goa comprising the territories which immediately before the 26th day of May, 1987 were comprised in the Goa district of the erstwhile Union Territory:

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 17 of the Probation of Offenders Act, 1958, the State Government of Goa hereby notifies the following draft rules inviting objections and suggestions from the persons likely to be affected by the aforesaid draft rules within 30 days from the date of publication of this notification.

I — Preliminary

1. *Short title, extent and commencement.* — (1) These rules may be called the Goa Probation of Offenders Rules, 1992.

(2) They extend to the whole of the State of Goa.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* — In these rules, unless the context otherwise requires;

(a) "Act" means the Probation of Offenders Act, 1958 (Central Act 20 of 1958);

(b) "Chief Controlling Authority" means the Officer appointed under rule 4;

(c) "Form" means a form appended to these rules;

(d) "Government" means the State Government of Goa;

(e) "part-time probation officer" means a Probation Officer other than a salaried Probation Officer appointed or recognised by the Government under clause (a) of sub-section (1) of section 13 of the Act or provided by a society under clause (b) of sub-section (1) of section 13 of the Act who is remunerated by fees or honorarium (and not salary) or who works without remuneration;

(f) "probation district" means the North Goa District and the South Goa District;

(g) "probationer" means any offender in respect of whom a supervision order is in force;

(h) "Salaried probation officer" means an (whole-time probation) officer, appointed or recognised to be a whole-time probation officer, under clause (a) of sub-section (1) of section 13 of the Act with fee or honorarium;

(i) "special probation officer" means a probation officer appointed by the court under clause (c) of sub-section (1) of section 13 of the Act;

(j) "supervision order" means an order passed under sub-section (3) of section 4 of the Act.

II. Departmental control of Probation Officers

3. *Probation Officers and their control.* — (1) The Government may appoint for each probation district such number of persons as it thinks fit to be salaried probation officers or part-time probation officers for the purposes of the Act.

(2) All Probation Officers appointed under sub-rule (1) shall be under the control of a District Probation Officer.

(3) The District Probation Officers shall be under the control of the Chief Probation Officer to be appointed by the Government.

4. *Chief Controlling Authority.* — (1) The Government may appoint one of its officers to be the Chief Controlling Authority who shall exercise administrative control over all the Probation Officers, District Probation Officers and the Chief Probation Officer, and shall perform other functions specified in sub-rules (2), (3) and (4).

(2) The Chief Controlling Authority shall prepare and submit an annual report to the Government of working of the system of probation. This report shall be embodied in the annual report for the year ending the 31st December immediately preceding the date of the report and shall, among other particulars, contain the following, namely:—

(a) number of Probation Officers employed in each district;

(b) amount of salary, honorarium and other expenses paid to the Probation Officers;

(c) amount of subsidy granted to the society with number of particulars of such societies;

(d) total number of probationers placed under the supervision of Probation Officers;

(e) total number of cases in which conditions of probation orders have been revoked;

(f) duties, other than the work of probation, performed by the Probation Officers;

(g) number of particulars of probation hostels working in the State with average number of admission of probationers;

(h) account of expenses incurred in connection with the working of probation in the State.

(3) The Chief Controlling Authority shall submit to the Government such other particulars and returns as may be directed by the Government from time to time.

(4) The Chief Controlling Authority shall exercise all financial powers of the Head of Department and shall have full control over all expenditure and other establishment matters with respect to working of probation in the State.

5. *Chief Probation Officer.* — Subject to the control and supervision of the Chief Controlling Authority, the Chief Probation Officer shall be responsible for administering the work of probation throughout the State of Goa and his duties and responsibilities shall include:

(a) control, guidance and supervision of the work of District Probation Officers and other Probation Officers;

(b) assisting and fostering after-care work in the State, and other activities for the purpose of rehabilitation of offenders, and maintaining contacts with other related associations and the public;

(c) submission of statistical or other returns and reports, as required, to the Chief Controlling Authority; and

(d) such other functions as may be assigned to him by the Government or the Chief Controlling Authority.

6. *Jurisdiction and functions of the District Probation Officer.* — (1) The jurisdiction of the District Probation Officer shall cover the whole of the probation district in which he is posted.

(2) He shall—

(a) be responsible for the working of probation in the whole area within his jurisdiction;

(b) control, guide and supervise the work of probation Officers in the district;

(c) the Drawing and Disbursing Officer in respect of all expenses incurred with the probation work in the district;

(d) the over-all-in-charge of the probation hostel establishments of the probation district;

(e) submit to the Chief Probation Officer a half yearly report of the conduct and progress of all probationers in his jurisdiction and reports of cases dealt with under section 10 of the Act which shall, among other particulars, contain the following, namely:—

(i) number of probationers at the beginning of the half year;

(ii) number of offenders placed on probation during the half year;

(iii) number of probationers whose probation terminated during the year;

(iv) number of probationers who reverted to crime during the half year;

(v) a general remarks on the psychological charges of the probationers employment secured,

educational and other activities towards reclamation during the half year;

(vi) number of probationers at the end of the half year;

(f) submit to the Chief Controlling Authority, the Chief Probation Officer, the District Magistrate and the Court such other reports as may be required by the Chief Probation Officer, or the Inspector General of Prisons;

(g) Perform such other functions as may be assigned to him by the Chief Probation Officer or the Chief Controlling Authority.

III — Probation Officers — Qualification for appointment and conditions for service

7. *General attribute of Probation Officers.* — A Probation Officer shall be a person:—

(a) possessing Master's degree in Criminology, Sociology or Social Work from a recognised University;

(b) a competent person with good character and possessing sufficient experience in Social-Welfare work.

(c) not less than 25 years and not more than 35 years of age (relaxable for Government servants).

8. *Qualifications of salaried probation officers.* — (1) A salaried probation officer shall be a person:

(a) of not less than 25 years and not more than 35 years of age (relaxable for Government servant).

(b) possessing Master's degree in Criminology or Social Work or Sociology of a recognised University or equivalent;

(c) Preferably having 3 years experience in correctional Welfare in an executive capacity;

(d) essentially knowing Konkani language ver well and desirably Marathi language.

Note: Qualification regarding experience is relaxable at the discretion of Goa Public Service Commission in case of candidates otherwise well qualified.

(2) Every salaried probation Officer shall undergo two months in-service training under the guidance of the Chief Probation Officer or under any other officers as may be directed by the Chief Probation Officer.

(9) *Qualifications of part-time probation officers.* — A part-time probation officer shall be a person,

(a) of not less than 30 years of age;

(b) resident of the State of Goa;

(c) in a position to devote adequate time to supervision of probationers;

(d) having sufficient practical experience in social welfare work;

(e) possessing Master's degree in Criminology Social Work or Sociology from a recognised University or equivalent;

(f) fully conversant with the provisions of Act and Rules.

10. Appointment and registration of Probation Officer. — (1) The appointment of Probation Officer by the Government shall be in accordance with recruitment rules relating to equivalent or similar posts in the State.

(2) The names of individuals in different localities for recognition as part-time probation officers proposed by a society or by the District Magistrate or by the Chief Probation Officer may be considered by the Government.

(3) (a) The names of all probation officers recognised by the Government shall be entered in a specified register by the Chief Probation Officer.

(b) List shall contain the names of Probation Officers appointed by the Government, salaried probation officers provided by the Societies and part-time probation officers in the district or allotted to specified courts in the district, shall be kept by the District Probation Officer and made available to the Courts whenever necessary.

11. Special Probation Officer. — (1) The Court may appoint a special probation officer under clause (c) of sub-section (1) of section 13 of the Act, in view of the special circumstances of the cases, when no probation officer on the lists referred to in clause (b) of sub-rule (3) of rule 10 is available or is considered suitable enough to attend to the case. A court or a District Magistrate may also appoint a special probation officer under sub-section (2) of section 13 of the Act.

Explanation. — For the purpose of this rule "special circumstances" means when a probation officer appointed under sub-rules (1) of rule 10 is not available due to his or her retirement, long leave or absence due to training, illness and it is essential to provide the probationer the benefits contained in the Act.

(2) In deciding whether a person is suitable or not for appointment as a probation officer in a particular case, under clause (c) of sub-section (1) of, or under sub-section (2) of section 13 of the Act, the court or the District Magistrate may take into consideration, the general attributes specified in rule 7 and the provisions of rule 12, his age, position, character and attainments and relationship to the offenders, and his ability to follow the rules and to discharge the duties imposed on probation officers.

12. Choice of Probation Officer. — (1) Female probationers shall not be placed under the supervision or control of male probation officers.

(2) Religious persuasions of the probationer and the probation officer should be taken into consideration.

(3) While choosing a probation officer for supervision in a particular case, the court may, where necessary, consult the District Probation Officer.

13. Terms and conditions of service. — (1) Subject to the provision of these rules:

(a) the general terms and conditions of service applicable to probation officers appointed by the Government shall be the same as prescribed for

officers by the Government of similar status appointed by it;

(b) the salaries, allowances and other terms and conditions of service applicable to salaried probation officers appointed by a Society shall be fixed by the Society in accordance with these rules and the instructions issued by the Government or the Chief Controlling Authority under clause (b) of sub-rules (3) of rule 22;

(c) a part-time probation officer may be paid such fixed remuneration or honorarium as may be specified by the Government;

(d) a special probation officer may be paid, if the Court so directs, the remuneration or allowances for supervision or probationers at rates applicable to part-time probation officers.

(2) (a) Every probation officer shall be furnished with an identity card in Form I. The identity card shall be used only where necessary in connection with his work and shall be returned to the Chief Probation Officer on suspension or termination of his appointment.

(b) The probation officer shall not wear any uniform or badge.

(3) A probation officer shall give at least a month's notice in writing if he wishes to resign his appointment. In respect of probation officers appointed by the Government, the period of notice shall be such as may be prescribed by the Government for Government servants of similar grade and status, from time to time. If a part-time probation officer is unable owing to ill health or otherwise, to perform his duties, he shall at once report the fact to the District Probation Officer.

IV — Probation Officer — Duties and Responsibilities

14. Departmental responsibility. — (1) Every probation officer shall carry out the directions of the Chief Controlling Authority and the Chief Probation Officer.

(2) Every Probation Officer shall inform the District Probation Officer, as soon as a probationer is placed under his supervision, of that fact and of the particulars with such other facts as may be specified by the Chief Probation Officer.

(3) Every probation officer shall submit;

(a) to the District Probation Officer a monthly report on the progress of each probationer placed under his supervision (in Form II) and copies of re-sentence report and of other reports submitted to a court or District Magistrate; and

(b) to the Chief Probation Officer and the District Probation Officer such periodical reports and statistics as may be required.

15. Pre-sentence report. — (1) For the purpose of clause (a) of section 14 of the Act, the probation officer shall, after making discreet inquiries regarding the offender's character and antecedents, his social and environmental conditions, the financial and other circumstances of his family, the circumstances in which the alleged offence was committed and any other facts which the Court had directed

him to enquire into, put down the relevant facts fully and faithfully in the report, as nearly as may be in Form III.

(2) The summary of the case shall include an objective statement of facts along with the probation officer's assessment of the case, so as to help the Court in determining the most suitable method of dealing with the offender after he is found guilty.

(3) The report shall be treated as 'Confidential' and delivered to the Court on the date specified by it; it should be enclosed in a sealed cover, if sent to the Court or delivered on a date prior to the date of delivery of judgement.

16. *Supervision of probationers.*—(1) The probation officer shall act as a friend and guide of the probationer. For this purpose, he shall, subject to any provision of the supervision order, require the probationer to report to him at stated intervals, meet him frequently and keep in close touch with him.

(2) At the first meeting, the Probation Officer shall (a) explain to the probationer the conditions of the supervision order:

(b) advise him as to how he should conduct himself; and

(c) specify the days on which he should report to the officer, the time and place of reporting being so arranged as to avoid unnecessary hardship to the probationer and to secure proper privacy; and inform the probationer that any omission on his part in so reporting will have to be satisfactorily accounted for.

(3) The probation officer shall visit the probationer periodically in his home surroundings and, where suitable, in his occupational environment, in order to acquaint himself of the progress made by the probationer and the difficulties, if any, met with by him:

Provided that, in the case of young offenders attending school or college, the probation officer shall not visit the probationer in the institution, but may make discreet inquiries from the teacher or tutor or head of the institution regarding his attendance, conduct and progress without prejudicing the probationer's interest in any way:

(4) The frequency of the meetings, including visits by the probation officer, should depend upon the conduct and mode of life of the probationer and upon the progress he is making. But the number of meetings should be, unless court otherwise directs, not less than.

(a) once a week during the first month;

(b) once a fortnight, during the rest of first half of the period of probation; and

(c) once a month during the remaining period.

(5) The probation officer shall ensure that the probationer does not violate the conditions of the supervision order or commit any further offence and behaves in conformity with law and his behaviour and character shall improve.

(6) The probation officer shall also take such action as he deems necessary for better regulation

of the conduct and mode of life of the probationer or for closer supervision over him.

17. *Duties in relation to courts.*—(1) The probation officer may move the court before which the probationer is bound to vary the conditions of the bond by way of tightening or relaxing them, as may be required by the conduct of the probationer.

(2) If the probation officer considers that the probationer has made sufficient progress and further supervision is not necessary, he shall make an application to the court for discharging the bond under sub-section(3) of section 8 of the Act.

(3) If the probationer fails to observe any of the conditions of the bond or behaves in a manner indicating that he is not likely to fulfil the purpose of the supervision order, the probation officer shall report the fact to the court for such action as may be considered necessary.

(4) The probation officer shall consult the District Probation officer with regard to appeal or revision under Section 11 of the Act.

18. *Responsibilities in relation to District Magistrate.*

The probation Officer shall;

(a) Carry out any directions that the District Magistrate may give regarding supervision of probationer;

(b) submit such reports to the District Magistrate on the progress of probationer, as may be required, in Form II;

(c) report to the District Magistrate;

(1) cases where conditions of the supervision order or bond are not adhered to, which would include, inter-alia;

(i) The probationer changing his residence;

(ii) any fresh offence committed by the probationer;

(iii) any serious violation of the conditions of the supervision order; and

(iv) any plan of the probationer to abscond;

(2) any attempt by any person to aid or abet the probationer in commission of a crime or otherwise influence him so as to adversely affect his conduct and reformation; and

(3) the factors, if any obstructing the rehabilitation of the probationer.

19. *Rehabilitation and after-care of probationers*

(1) The probation officer shall assist the probationer's rehabilitation so that he will not revert back to crime. For this purpose, the probation officer shall endeavour to secure for the probationer.

(a) training facilities,

(b) employment opportunities,

(c) any necessary financial aid, and

(d) contacts and associations with normal individuals and congenial organisations like

Scouts and Girl Guides, Youth Organisations and Community projects.

(2) The probation officer shall try to have constant touch with discharged probationers to follow up the progress made by them towards rehabilitation, for such period as may be specified by the Chief Probation Officer.

(3) The probation officer shall participate, whenever possible, in aftercare schemes and organisations.

20. *Other duties of probation officer.* — The probation officer shall also undertake the following functions, namely:—

(a) educating the public and mobilising support for the probation system;

(b) mobilising public assistance and co-operation in the field of Social Defence;

(c) being in charge of any institution or other premises referred to in rule 30 that may be assigned;

(d) any other duties of a cognate nature which may be assigned by order of the Government.

21. *Probation officer not to divulge information.* — A probation officer shall not divulge information concerning his inquiries or work of probation to any person other than the authorities to whom he is required to report, except in so far as it is necessary to do so in the interest of the probationer.

V — Recognition of Society

22. *Recognition of society.* — (1) A society primarily devoted to any of the following kinds of work shall be eligible for seeking recognition under clause (b) of sub-section (1) of section 13 of the Act,

(a) Social defence, including care, after-care or aid to released offenders or discharged prisoners and protection and training of rescued or destitute women or children;

(b) education of other social welfare work; and

(c) religious or charitable work, with interest in aiding and rehabilitating such persons as are mentioned in clause (a).

(2) Any society eligible under sub-rule (1) and desiring recognition shall make an application to the Government together with a copy of its rules, bye-laws, articles of association, list of its members and office-bearers and a statement showing its status and past record of social or public service.

(3) The Government may, after making such inquiry as it considers necessary into the status, past record of social or public service and present conditions of the society and satisfying itself that the society possesses sufficient financial means to carry out its obligations, grant recognition to the society, on conditions that it shall undertake to,

(a) provide such probation officers as may be required by the Government or Court;

(b) abide by the rules and any instructions issued by the Government and the Chief Controlling Authority and ensure that the same are

followed by the probation officer and the personnel of any institution or other premises referred to in rule 30; and

(c) furnish to the Government, whenever required, a statement of its financial position including a balance sheet and audited reports, if any.

(4) The Government may withdraw the recognition granted to a society under sub-rule (1), after giving a notice of three months to the society. The recognised society may also get its recognition withdrawn by the Government after giving to it a notice of three months.

23. *Subsidy to a society.* — (1) A recognised society requiring a subsidy from the Government in aid of its activities relating to probation shall forward to the Chief Controlling Authority, through the Chief Probation Officer, an application accompanied by a copy of—

(a) its rules regarding salaries, allowances and conditions of service of probation officers and its rules regarding the management of institutions or other premises referred to in rule 30, if any, under it; and

(b) such other particulars as may be required.

(2) The Government may, on the recommendation of the Chief Controlling Authority, pay to a recognised society such subsidy and for such period as it may deem necessary.

(3) The society which has been granted a subsidy shall—

(i) submit its annual report and audited accounts and such other reports as may be called for by the Chief Controlling Authority;

(ii) maintain standards of, supervision work and manage institutions or other premises referred to in rule 30, if any, to the satisfaction of the Chief Controlling Authority; and

(iii) provide all facilities for inspection by the officers concerned.

24. *Control of Probation Officers.* — (1) (a) If a probation officer appointed by a society fails to observe the duties imposed on him by the Act or the rules or to abide by other orders of the Government or the Chief Controlling Authority or Chief Probation Officer, for regulation of the work and conduct of probation officers, the Court or the District Magistrate or the District Probation Officer may report the fact to the society and thereupon the society shall take suitable action on that report and inform the District Probation Officer of the action taken;

(b) The society shall consider every complaint against such probation officer relating to any matter which affects his holding of office and shall investigate every such complaint and take disciplinary action, wherever necessary.

(2) The work of probation officers provided by the society shall be subject to guidance, supervision and control by the Chief Controlling Authority or

any officer empowered by the Government to act on its behalf.

VI — Procedure for Courts and District Magistrate

A. Court Procedure

25. *Inquiry into character and antecedents.* — (1) The Court may direct a probation officer to enquire into the character and antecedents of the accused, the circumstances in which the offence was committed and other matters and submit a report on a specified date. The Court shall consult the report only after finding the accused guilty. If he is not found guilty, the report should be returned to the probation officer concerned for purposes of future reference.

(2) The Court may direct the probation officer to make any further investigations, and where required, to have a medical or psychiatric examination of the offender and report to the Court for enabling it to decide action to be taken under sections 3, 4, 5 and 6 of the Act.

26. *Forms.* — The following Forms shall be used for the purpose specified there against.—

(a) Form V — Bond for good behaviour under sub-section (1) of section 4 of the Act;

(b) Form VI — Supervision order under sub-section (3) of section 4 of the Act;

(c) Form VII — Undertaking by probationer under sub-section (4) of section 4 of the Act

27. *Periodical report.* — The Court may require a probation officer to submit a report on a stipulated date or periodical reports on the progress, conduct and mode of living of the probationer placed under his supervision for purpose of sections 8 and 9 of the Act.

28. *Copy of supervision order to be supplied to societies.* — Where a Court passes a supervision order under sub-section (3) of section 4 and appoints a probation officer provided by a society it shall forward a copy of it to the society.

B — Functions of District Magistrate

29. *Inspection by District Magistrate.* — The District Magistrate may;

- (a) inspect the work and any record in the office of any probation officer working within his jurisdiction;
- (b) give any directions to probation officers that he considers necessary for the due performance of their work relating to supervision and
- (c) send his observations or report to the Chief Probation Officer and the District Probation Officer.

VII — Residence of Probationers

30. *Institutions or other premises for reception of probationers.* — (1) The Government may maintain, or approve subject to such conditions (including conditions relating to management and inspection) as it may deem fit to impose, any institution or

other premises for the reception of probationers who may be required to reside therein by a supervision order.

(2) Any such institution or other premises shall be maintained, managed and inspected in accordance with such instructions as may be issued by the Government from time to time.

31. *Residence of a probationer in such institutions or other premises.* — (1) When a probation officer is of opinion that it is necessary or desirable for a probationer to reside in any institution or other premises referred to in rule 30 on the ground that the probationer has no fixed abode or no abode suitable for due supervision, or that his home surroundings are not suitable for achieving the objects of probation or that the objects of probation would be better served by his staying in such institution or premises, the probationer may be asked to reside therein.

(2) A probationer may also be required to reside in any such institution or premises in pursuance of any order of the Court which passed the supervision order. A copy of the order should be sent to the officer/person in charge of such institution, and an undertaking may be taken from him when necessary (as in Form VIII).

The Officer or person in-charge of such institution may be asked to maintain inmates record (as in Form IX).

32. *Change of residence.* — (1) Where a probationer under supervision, consistent with the conditions of the supervision order, changes or proposes to change his place of residence and the place of such residence is outside the jurisdiction of the probation officer, he shall obtain the permission of —

(a) the probation officer, if the period of such stay does not exceed one month;

(b) the Court on application made through the probation officer if such period exceeds three months.

(2) Where the period of stay referred to in sub-rule (1) exceeds one month, the probationer shall be required to report to a probation officer having jurisdiction in the changed place of residence on or before a specified date.

(3) The probation officer in the changed place of the residence shall send to the original probation officer a report of the arrival of the probationer and send copies of the report and such other reports as may be required, to the Chief Probation Officer.

(4) Where the period of stay referred to in sub-rule (1) exceeds two months, a new probation officer may be appointed under sub-section (2) of section 13 of the Act by the District Magistrate having jurisdiction over the changed place of residence or by the Court.

VIII — Records

33. *Records to be maintained by probation officers.* — (1) A probation officer shall maintain the following records;

(a) a diary showing his day-to-day work including preliminary inquiries, attendance at Courts,

meetings with probationers, contacts with societies and visits to institutions and premises referred to in rule 30, a copy of the diary being submitted every week to the District Probation Officer;

(b) a file containing copies of all reports of preliminary inquiries submitted to the Courts;

(c) a register showing the receipt and disposal of all orders of the Courts to the probation officer for making inquiries;

(d) probationers case-file as in Form X containing:—

(i) a front cover page indicating the main particulars of the probationer and the case;

(ii) a summary of the probationer's antecedents, character, his family and other environments and the circumstances of the offence, further progress of supervision and all other important events during the period of probation; and

(iii) copies of pre-sentence report order of Courts, bonds or undertakings, and all other records relating to him including a history sheet;

(e) an index card, and a chronological register (as nearly as may be in Form XI) of probationers;

(f) register of payments made on account of probationers showing:—

(i) payment to institutions or premises referred to in rule 30 for maintenance of probationers;

(ii) payment to probationers for travelling expenses to such institutions or premises and back;

(iii) fares for reporting to a probation officer;

(iv) other financial aid to probationers; and

(g) such records as may be prescribed by the Chief Probation Officer or the Chief Controlling Authority from time to time.

(2) In the case of part-time probation officers, the records mentioned in clauses (b) (c) (e) and (f) of sub-rule (1) shall be kept in the office of the District Probation Officer.

(3) A special probation officer shall maintain the records mentioned in clauses (a) and (b) of sub-rule (1) and send such other information to the District Probation Officer, the Chief Probation Officer and the Chief Controlling Authority as specified by the Government from time to time.

34. *Preservation of records.*— (1) Each probationer's case file with the probation officer shall be preserved for not less than ten years from the date of the expiry of the supervision order to which it relates.

(2) The diary shall be closed on the 31st December of each year and thereafter be deposited as a confidential record in the office of the Chief Probation Officer. Each volume of diary shall be preserved for not less than ten years from the date of its closure.

(3) The index card and the chronological register should be preserved for at least ten years more after

the destruction of the history sheets to which they relate.

35. *Inspection Book.*— An Inspection Book shall be maintained at each probation officer's office; and a copy of the inspection Book relating to a part-time probation officer shall be maintained in the district probation officer's office. The Chief Controlling Authority, Chief Probation Officer, District Magistrate, District Probation Officer and such other persons as may be appointed by the Chief Controlling Authority for inspecting the work of probation officer shall record their observations in the Book. The observations made therein shall be forwarded to the Chief Probation Officer along with the comments of the probation officer.

36. *Records to be maintained by District Probation Officer.*— The District Probation Officer shall maintain in his office in such manner as may be prescribed by the Chief Controlling Authority;

(i) List of probation officers in the district or area under his jurisdiction;

(ii) List of institutions or premises referred to in rule 30, in that area;

(iii) A dossier for each probationer under supervision in the district, containing a summary of the case and duplicate of important documents in the case records with the Probation Officer;

(iv) Register of probationers in the district (as nearly as may be in Form II), received from the probation officer;

(v) An inspection file containing notes of inspection of offices of probation officers and copies of reports of inspection submitted to the Chief Probation Officer;

(vi) Register of probationers staying in institutions or premises referred to in rule 30, in the district;

(vii) Register of probationers in the district;

(viii) Register of payments to societies in the district; and

(ix) Such other records as may be directed to be maintained by the Chief Controlling Authority

IX — Miscellaneous

37. *Probationers not to be employed on private work of Probation Officer.*— A probation officer shall not employ any probationer placed under his supervision for his own private purpose or take any private service from him.

38. *Submission of Statistics.*— (1) Every probation officer shall collect and submit in January and July the following statistics for the preceding half year to the District Probation Officer concerned, who in turn will consolidate these statistics for the probation district and submit the same to the Chief Probation Officer:—

(a) the number of probationers;

(b) employment of probationers;

(c) the number of cases of variation of order under section 8 of the Act and of failure

observe conditions of bond dealt with under section 9 of the Act;

- (d) the number of offenders in his jurisdiction, discharged after admonition under section 3 of the Act, released under sub-section (1) of section 4 of the Act without supervision, and sentenced to imprisonment though below 21 years.

(2) The statistics mentioned above should be shown separately according to sex, age group, particulars of the legal provisions specifying nature of crimes and offences:

Provided that, in the case of part-time probation Officer, the statistics mentioned in this rule shall be collected and maintained by the District Probation Officer.

By order and in the name of the Governor of Goa.

E. Silveira, Under Secretary to the Government of Goa, Social Welfare.

Panaji, 15th April, 1992.

FORM I

[See rule 13(2)]

GOVERNMENT OF GOA

(Front cover)

Office of the Chief Controlling Authority, Panaji

(Back Cover)

Instructions

1. This card is meant for establishing the identity of the holder as a District Probation Officer/salaried probation Officer/part-time Probation Officer.

2. The holder shall keep the card in his personal custody and shall be responsible for the safe custody thereof. Any loss or subsequent recovery of this card shall be immediately reported to the Chief Probation Officer.

3. This card shall be returned to the Chief Probation Officer when the holder is placed under suspension or ceases to hold office.

4. The holder of the card will be liable for disciplinary action if the card is misused in any way.

(inside)

Serial No ...
Name in full... (in block letters)

Designation of the post held...
(in block letters)

Full signature of the holder...

Date...

F

O

L

D

H

E

R

E

Photograph
of holder

(Signature)

Chief Controlling Authority

FORM II

[See rule 14(3) (a) and 18 (2)]

Monthly Report of Progress of Probationer

PART I

Probation Officer... For the month of...
Register No... Court...
Case No....
Probationer's Name... Date of Supervision order...
Probationer's Address... Period of Probation...

PART II

Place of interview Dates

1. Where the probationer is residing?
2. Progress made in any educational/training course.
3. What work he/she is doing and his/her monthly average earning?
4. Savings kept in the post office/savings Bank Account/Bank in his/her name.
5. Probationer's health.
6. Remarks on his/her general conduct and progress.

PART III

7. Any proceedings before Court/District Magistrate for;
 - (a) Variation of conditions of bond under section 8(1) or section 9(1) of the Act, or
 - (b) change of residence vide rule...or
 - (c) other matter.
8. Probation period completed on...
9. Result of probation with remarks, if any.
10. Occupation and address after discharge.

Probation Officer

Date of report

Address

To

The District Probation Officer/Court.

FORM III

[See rule 15(1)]

Report on Preliminary Enquiries

(Under the Probation of Offenders Act, 1968)

No....

Judicial Magistrate First Class

In the court of...

Sessions Judge

(Place)...(District)...C. C. No...of 19...date of hearing...Of-
fence (Section and brief description)... State...

Name of Offender (in block letters)...

Address...

Age...Sex and religion...

Personal History

Behaviour and habits (moral, recreational etc)
 Temperament (outstanding character and personality traits)
 Physical and mental history and present conditions.
 Leisure time activities.

External Influence

School record and report of teachers, if any.
 Employment history.
 Present occupation and wages
 (give also condition of work
 and leisure etc.)
 Report of employer, if any.
 Associates.
 Contact with social and religious
 organisations, if any.
 Home conditions.

Family History of

- (a) Father
 (b) Mother
 (c) Step Father
 (d) Step-Mother.
 (e) Siblings

- (i)
 (ii)
 (iii)
 (iv)

(f) Wife/Husband.

(g) Children

- (i)
 (ii)
 (iii)
 (iv)

(h) Other interested relations, if any.

Economic Condition of the Family

Any social agencies, institution or individuals interested
 in the family.

Report of parents and relations.

Attitude of family towards offender and extent of its
 influence on him/her.

Report of neighbours.

Home surroundings and general outlook.

Is poverty or unsettled life the cause of offence?

Legal History

Previous institutional record, if any.

Statement of the present offence and circumstances in
 which it was committed.

Offender's own reaction to the offence and his attitude
 towards possible punishment.

Any special information required by the Court.

Summary

- (a) Factual background of offender and his environment
 and offence.
 (b) Diagnosis (Offender's attitude, defects in character
 of family, motivations and other factors regarded as
 casual factors of the offence).
 (c) Prognosis (treatment considered most suitable and
 estimates of chances of improvement).
 (d) Recommendations.

Name and address of the Probation Officer.

Place

Date

Probation Officer.

FORM IV

[See rule 25 (1)]

Order under sub-section (2) of section 4/sub-section (2) of
 section 6 of the Probation of Offenders Act, 1958.

To

The Probation Officer,

...

...

Whereas a report under sub-section (2) of section 4/sub-
 section (2) of section 6 of the Probation of Offenders Act,
 1958 (Central Act 20 of 1958) is required for dealing with
 (Name) ... son/daughter of ... on bail/in custody at ... (full
 address) under section ... in Criminal Case No. ... and of
 P. S. Cr. No. ... you are hereby directed to collect or
 arrange to collect the necessary information after making
 an inquiry and submit your report of social enquiries on or
 before ... or within such further time as may be allowed
 to you by the Court.

Brief particulars of the case are as under:—

...

...

Seal of the Court

J.M.F.C./Court of Sessions

FORM V

[See rule 26 (a)]

Bond to keep peace and to be of of Good Behaviour

(Under Sub-section (1) of section 4 of the Probation of
 Offenders Act, 1958)

In the Court of

Judicial Magistrate First Class

District & Sessions Judge.

Criminal Case No...of 19...

Whereas, I... inhabitant of... have been ordered to be
 released by the Court of... on condition of my entering into
 a bond to appear and receive sentence when called upon
 during a period of... years.

I hereby bind myself:—

- (1) to appear and receive sentence when called upon to
 do so;
- (2) not to commit a breach of the peace or do any act
 that may occasion a breach of peace; and
- (3) to be of good behaviour to Government and all the
 citizens of India during the said period.

In case of my making default therein, I hereby bind myself
 to forfeit to the Government a sum of Rs.... Dated this...
 day...of...19...

Executed before me

Signature

Magistrate/Court of Sessions.

I/We do hereby declare myself/ourselves surety/sureties
 for the above named:—

- (1) to appear and receive sentence when called upon
 to do so;
- (2) that he/she will not commit a breach of peace or do
 any act that may occasion a breach of peace; and
- (3) that he/she will be of good behaviour to Govern-
 ment and all the citizens of India during the said
 period.

In case of his/her making default therein, I/we bind myself/ourselves jointly and severally to for it to Government a sum of Rs....

Dated this... day of... 19...

<i>Signature</i>	<i>Signature</i>
Name and address	Name and address
Executed before me	Magistrate/Court of Sessions

FORM VI

[See rule 26 (b)]

Supervision Order

(Under Sub-section (3) of section 4 of the Probation of Offenders Act, 1958)

Judicial Magistrate First Class

In the Court of

District and Sessions Judge

Case No. of 19...

Whereas... has this day been found guilty of an offence under section...

And whereas the court is satisfied that it is expedient to deal with the said persons by making an order placing him/her under supervision.

Now, therefore, it is hereby ordered that the said person be placed under supervision of... a probation officer for a period of... years subject to following conditions, namely:—

- (1) That he/she will present himself/herself within fourteen days from the date of this order, before the probation officer named herein, and will produce copies of the order and bond executed by him/her;
- (2) that he/she will submit to the supervision of the probation officer or any other officer appointed in his place;
- (3) that he/she will (a) during the period specified herein keep the probation officer advised of his/her place of residence and means of livelihood (b) reside at... for a period of... years;
- (4) that he/she will not quit the district jurisdiction of... without the written permission of the competent authority;
- (5) that he/she will not associate with bad characters and will not lead a dissolute life;
- (6) that he/she will live honestly and peaceably and will endeavour to earn an honest livelihood;
- (7) that he/she will not commit any offence punishable by any law in force in India;
- (8) that he/she will abstain from taking intoxicants;
- (9) that he/she will carry out such directions (verbal or written) as may, from time to time be given by the probation officer, for due observance of the conditions mentioned above.

Dated this... day... of 19...

Magistrate/Judge.

Seal of the Court

FORM VII

[See rule 26(c)]

(Under Sub-section (4) of section 4 of the Probation of Offenders Act, 1958)

Judicial Magistrate First Class

In the Court of

District & Sessions Judge

Criminal Case No.... of 19...

Whereas I... inhabitant of... have been ordered to be released by the Court of... on condition of my entering into

a bond to observe conditions specified in the supervision order made by the Court, I hereby bind myself as follows:

- (1) that I will accept and fulfil the conditions specified by the Court in such order for the period specified therein;
- (2) that I will present myself, within fourteen days from the date of the supervision order, before the probation officer named in the order and will produce copies of the order and the bond executed by me;
- (3) that I will submit myself to the supervision of the probation officer named in the Supervision Order or any other officer appointed in his place;
- (4) that I will (a) during the period specified in the order, keep the probation officer advised of my place of residence and means of livelihood, (b) reside at... for a period of... years;
- (5) that I will not quit the said district/jurisdiction of... without the written permission of the competent authority.
- (6) that I will not associate with bad characters and will not lead a dissolute life;
- (7) that I will live honestly and peaceably and will endeavour to earn an honest livelihood;
- (8) that I will not commit any offence punishable by any law in force in India;
- (9) that I will abstain from taking intoxicants;
- (10) that I will carry out such directions (verbal or written) as may, from time to time, be given by the probation officer for the due observance of the conditions mentioned above.

In case of my making default therein, I hereby bind myself to forfeit to the Government a sum of Rs....
Dated this... day of... 19...

Executed before me

Signature

Seal of the Court

Magistrate/Judge

I/We do hereby declare myself/ourselves sureties for the above named... to ensure that he/she will observe the conditions specified in the supervision order and in the bond and in case of his/her making default therein I/we bind myself/ourselves jointly and severally to forfeit to the Government a sum of Rs....

Dated this... day of... 19...

Executed before me

Signature

Signature

Name and address
Magistrate/Judge

Seal of the court

FORM VIII

[See rule 31 (2)]

Form of undertaking by Authority in charge of Institutions or other Premises for Reception of Probationers.

Judicial Magistrate First Class

In the Court of

District and Sessions Judge

I ... of ... do hereby declare that I am willing to take charge of ... aged ... years under the orders of the Court subject to the following terms and conditions:—

- (1) I shall do my best for the welfare of the probationer as long as he/she remains in my charge and shall make proper provision for his/her maintenance.
- (2) If the probationer's conduct is unsatisfactory, I shall at once inform the Court/probation officer.
- (3) In the event of the probationer's illness, he/she shall have proper medical attention in the nearest hospital.
- (4) The probationer shall be free to follow the observance of his/her own religion.

(5) I undertake to produce him/her before the Court when so required.

Dated this ... day of ... 19 ...

Executed before me

Signature

Seal of the Court

Signature

Magistrate/Judge

Home Address.

Mother tongue.

Sex ... Age ...

Date, time and place of arrest

Facts of the case (in brief)

Previous convictions

Referred for enquiry on

Inquired by

Inquiry report submitted on

Monthly progress reports submitted on.

FORM — IX

[See rule 31 (2)]

Inmate's Record

1. Serial No. and date of admission.
2. Name of the probationer.
3. Father's name and address,
4. Identification details (Caste, religion, age, sex, language etc.)
5. Name and address of:
 - (a) Probation Officer, and
 - (b) Sureties.
6. (a) Time and day during which he has to be inside the Home and time during which he is allowed to go out.
- (b) Other conditions imposed on the probationer during his stay in the Home.
7. Health.
8. Any reports or complaints received from where he works.
9. Any violation of conditions of probation noticed or complained of and date of reports to probation officer.
10. Any other remarks.
11. The date of leaving the institution or other premises for reception of probationer.
12. His new address, new occupation, etc.

Signature

Incharge of Probation Home.

FORM X

[See rule 33 (1) (d)]

Probationer's Case - File

A. — (Front/cover page)

Probation Office	Court
Office Regn. No.	Case No.
Name of Probationer	Date of supervision order
Address.	Offence (section)
Occupation.	

I year	II years	III years
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B — Summary

1. Brief family history and home conditions.
2. School record and employment history.
3. *Delinquencies*.
4. Health.
5. Mental conditions.
6. Neighbourhood conditions.
7. Any other outstanding features and additional information.
8. Chronological development of the case.
9. Suggestions made by the Probation Officer.
10. Final order (with date) of the Court.
11. Name and address of the surety/sureties while under supervision.
12. (a) Restrictions as to reside in any area/probation home/or otherwise.
- (b) Other restrictions.
13. Salient points in progress reports.
14. Amendments to order, if any under sections 8 and 9 of the Act;
15. Final disposal.

Probation Officer

C - Other contents of dossier

1. Pre-sentence report.
2. Order of the Court.
3. Copy of bond/undertaking executed, if any,
4. Correspondence.
5. Monthly reports.